

March 10, 2010

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TOWN OF NEW WINDSOR

PLANNING BOARD

MARCH 10, 2010

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
HOWARD BROWN
DANIEL GALLAGHER
HENRY SCHEIBLE

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

JENNIFER GALLAGHER
BUILDING INSPECTOR

NICOLE JULIAN
PLANNING BOARD SECRETARY

DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

ABSENT: NEIL SCHLESINGER
HENRY VAN LEEUWEN

REGULAR_MEETING

MR. ARGENIO: I'd like to call to order the March 10, 2010 meeting of the New Windsor Planning Board. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

MR. ARGENIO: Mr. Schlesinger is not with us nor is Mr. Van Leeuwen.

APPROVAL_OF_MINUTES_DATED_1/27/10

MR. ARGENIO: Just a quick note, Franny, on the meeting minutes for February 24 of 2010 on page 15, third to last paragraph I'm quoted as saying typically, we don't like to be the gathering point for all the information. Typically, we don't do a me-too, so to speak, where we approve it then everybody else has to take a look at it because what we like to avoid is a bunch of changes happening to the plan. What I said that night was that we do like to be the gathering point, planning board is the gathering point, everything at the end of the day is up here and we're the ones that process it, look at it, review it, discuss it and if it needs to be referred somewhere we do it. Sometimes I speak like I have marbles in my mouth and I understand it's difficult but if you can make that change, I'd appreciate that. That said, the first item on tonight's agenda is approval of the minutes dated January 27, 2010 and sent out via e-mail on a February 3, 2010. If anybody sees fit, I'll accept a motion we accept them as written.

MR. GALLAGHER: Make that motion.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded we accept those minutes as written. Roll call.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

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ANNUAL_MOBILE_HOME_PARK_REVIEW:

MT._AIRY_PARK

MR. ARGENIO: First on tonight's agenda is mobile home park review, Mt. Airy Park on Mr. Airy Road. Somebody here to represent this? What's your name, sir, and your address?

MR. JOHNSON: Richard Johnson.

MR. ARGENIO: And your address?

MR. JOHNSON: Ten Fair Oaks Drive, Poughkeepsie, New York 12603.

MR. ARGENIO: Jen, has somebody from your office been out there?

MS. GALLAGHER: Yes, and it's in good condition.

MR. ARGENIO: I'm glad to hear that. Do you have a check made out for the benefit for the Town of New Windsor for \$570?

MR. JOHNSON: It hasn't been Mt. Airy for about 10 years.

MR. ARGENIO: Please make a note of that in the file. That said, I'll accept a motion for one year extension.

MR. BROWN: So moved.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Motion has been made and seconded. Roll call.

ROLL CALL

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MR. SCHEIBLE	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

NUGENT_MOBILE_HOME_PARK

MR. ARGENIO: Next is Nugent Mobile Home Park. I see Mrs. Nugent is here. How are you? Could you give your address to Franny, please?

MRS. NUGENT: 432 Hardin Avenue, Orton Beach, New Jersey 08751.

MR. ARGENIO: Jen, has somebody been there?

MS. GALLAGHER: We have also been there and it's in good condition also.

MR. ARGENIO: That's fantastic. Do you have a check made out for the benefit of the Town for \$250? Everything seem to be in order, I'll accept a motion for one year extension.

MR. SCHEIBLE: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded. Roll call.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

REGULAR_ITEMS:

T-MOBILE_SITE_PLAN_(09-01)

MR. NUGENT: Regular items, T-Mobile site plan formerly Omnipoint. This is the proposed 120 foot monopole. If you have any documents you'd like to put on the easel you can put them up. We have a plan here for this?

MR. EDSALL: This submittal is limited to the visual issue that--

MR. ARGENIO: This is the monopole at 149 Windsor Highway. Can you tell us your name and who you're with for the benefit of the stenographer?

MR. WARDEN: Sure, my name is Doug Warden, I'm an attorney with the law firm of Snyder & Snyder and my address is 94 White Plains Road, Tarrytown, New York. I'm here on behalf of T-Mobile.

MR. ARGENIO: Okay, tell us where we came from, where we are now.

MR. WARDEN: Okay, I was here about a year ago on behalf of T-Mobile with respect to an application for a monopole at 111 Windsor Highway. One eleven, I don't know if you recall that but 111 Windsor Highway is at Borchard's Orchard if I'm pronouncing in correct, we're proposing a 120 foot wireless pole in order to fill a gap in coverage in the vicinity of 111 Windsor Highway. And the monopole was going to be going in the orchard. At that time, the board pretty much felt that it was, that they didn't like the application in no small measure for aesthetic reasons.

MR. ARGENIO: You guys remember this?

MR. BROWN: Yes.

MR. SCHEIBLE: Wasn't here.

MR. ARGENIO: Go ahead. You were probably in Germany.

MR. WARDEN: So the idea was that the board had articulated to us quite forcefully that was, they felt that it was, putting a monopole, telecommunications monopole in the middle of an orchard would have a negative aesthetic impact. The monopole we were proposing was a single pole with antennas radiating out somewhat like a pipe cleaner. They felt it was just not consistent with the nature of an orchard, it's a nice, open, visual space.

MR. ARGENIO: Henry, our thought at the time was that that whole viewshed up and down 32 when you look to the east you see the river, you shouldn't see a big old nasty cell tower.

MR. SCHEIBLE: Or what we understand as a cell tower.

MR. WARDEN: What the board said is please do everything that you can do in order to try and find another location, reconfigure the facility, you do whatever you can to reduce the visual impact. The reason we're here tonight is to let the board know we've heard them and made every effort to do that. So we have an alternative location and an alternative configuration. So I called up Mr. Edsall to let him know about this and just to let him know we have this alternative should we submit an application. We can't submit an application if the board likes the idea of this, might as well just keep our existing application. And so I think Mr. Edsall I think very wisely came up with the following suggestion. He said give us a rendering depicting what the facility generally will look like, not a full site plan, not a full application, just show us what it's going to look like and ask to be on an agenda and come on in and discuss it with the board and maybe the board can give you some

direction as to whether or not they like this application better or the previous application, we can go either way. So that's what brings me here this evening. Let me tell you a little bit about the differences. The previous application was on an orchard, big open space devoted to agricultural uses. This is a commercial property presently used for storage purposes. It's the Guardian Self-Storage facility. So we're not in the middle of this orchard. Second, we're proposing a facility which is at the same height but we have disguised the facility, we have made it look like a flag pole, whereas the previous facility had one long column with antennas radiating out like a pipe cleaner. We have hidden these antennas within the flag pole and so they will not stick out within the main shaft of the flag pole. And that's the nature of what we're proposing. We have gone to a lot of effort and I hope that the board will agree that this is an improvement. But either way, we'd like some direction. We have submitted a visual analysis and what it does is we floated a balloon and then we took pictures of the balloon from all around the town at various viewpoints and then we, what we did is superimposed computer generated renderings of what the flag pole will look like from some of those viewpoints so you see the balloon all over the place, you'll see where it's visible, where it's not visible and you'll see where it has been where it has been rendered, which particular viewpoints it had been rendered from.

MR. ARGENIO: Let me ask you this question. I want to bring your attention to drawing VP2 and VP12, one is standing in, standing at the corner of 32 and Union Avenue over near the little strip mall there and the other one is standing looks like about across from Duffer's, look up here, see these two drawings which are done and I stand in approximately those locations and I look if that direction and I hold this picture up and I look at the picture and I looked at what you're proposing, am I going to see about the same thing?

MR. WARDEN: That's right.

MR. ARGENIO: That's a fact?

MR. WARDEN: Yeah, that's a fact, is it 100 percent?

MR. ARGENIO: I'm not asking 100 percent, I didn't use those words, I said is it about the same as what I have here?

MR. WARDEN: That's right.

MR. ARGENIO: That's what I want you to say to me. Okay, what do you guys think?

MR. SCHEIBLE: I have a question. The power that you're going to receive out of this type of structure, how comparable is that to a regular tower, ugly towers that we've seen all around? What's the difference, how much power does this receive and how much power, send power, you know, receive and send, right, compared to a normal tower that we're used to seeing?

MR. WARDEN: The answer is they're about the same, they're functionally the same in terms of I think you have two questions there, power going in and radiated emissions and the answer to both of those questions is about the same.

MR. ARGENIO: So everybody understands the rules here what we're trying to do tonight is they've investigated the alternative at our strong suggestion and Mark's prodding, I think it's okay, you guys, certainly everybody's entitled to their opinion. What's going to happen tonight is we're going to say we think you're going in the right direction or you need to go back to the drawing board but they certainly have site plan approval issues and blah, blah, blah, et cetera, et cetera. So what do you guys think? You two guys?

MR. SCHEIBLE: Yeah, I agree, I think we're going in the right direction, that's why I asked that now just enlightens us to future--that's why I was asking that question.

MR. ARGENIO: We talked about the giant hole on Henry's property, I don't know if you were at the meeting but I said to the applicant you ought to consider moving it. Howard, what are your thoughts?

MR. BROWN: For the area where it's going to go, it belongs there, it's pleasing to the eye. Now it's going to fly an American flag?

MR. WARDEN: Yes, sir, it doesn't have to, you can have a flagless flag pole but if you'd like it to fly an American fly it will fly an American flag as depicted.

MR. ARGENIO: Thank you for asking that in Henry's absence.

MR. BROWN: Who would maintain it?

MR. WARDEN: Well, it would be it, would have to be lit in accordance with the appropriate rules which is the way they do it rather than having somebody, the other alternative under the applicable rules is to lower and raise it every day so it would be appropriately lighted.

MR. ARGENIO: Dan?

MR. GALLAGHER: He stole my question. I was going to ask who maintains the flag, if it's able to go up and down.

MR. ARGENIO: Mark, this is going to--

MR. EDSALL: We're working on another section of the

code, I'm sorry.

MR. ARGENIO: The maintenance of that flag is a very good point.

MR. EDSALL: You could in the spirit of, well, in the spirit of having them move forward, I'm sure they would agree if the site plan included a condition where if the flag became torn, in bad condition that it would be part of the site plan to maintain it.

MR. ARGENIO: They do need to be replaced, the flag on my building it's about depending on the weather it's about once a year we have to put a new flag up.

MR. WARDEN: There are regulations, I don't know if they're binding or not, T-Mobile's view is it's planning on maintaining flags and not having a disfigured flag and properly disposing.

MR. ARGENIO: Do you have appropriate direction?

MR. WARDEN: My understanding is we have the go-ahead to file a full application.

MR. SCHEIBLE: Just a simple question probably for Mark. Is that considered a structure or what is the definition of this?

MR. EDSALL: This is a form of a cellular tower, the same as when they try to disguise them as trees, they're not trees, they're still cell towers and there's, in all reality, a cell tower has to be reviewed as a cell tower in your code but for visual aesthetic purposes you're getting particular, you might call it a finch, I would say rather than just be a monopole, it's effectively a similar monopole but the antenna are inside and one of the discussions there's an issue as to when you put a flag on it is it a flag pole or a cell tower because the code restricts the

height of flag poles to 35 feet, clearly, this is not a flag pole, this is a cell tower that--

MR. ARGENIO: With a flag on it.

MR. EDSALL: It's being disguised at the request of the planning board as part of their aesthetic review, SEQRA review of the visual impacts. So I think the record is clear this is not a flag pole, it's a cell tower, just happens to have a flag on it as part of its disguise.

MR. ARGENIO: So that would be analogous with similar to when iron workers on top of a building they hang the American flag on it and it says Local Union 12, well, that steel tower is not a flag pole, it happens to be a steel skeleton of a building with a flag, I agree.

MR. EDSALL: Two issues that procedurally I'm sensing that you have polled the board. You have given the applicant some direction, I would suggest that if it's your desire to allow them to amend their current application.

MR. ARGENIO: To say what, flag pole?

MR. EDSALL: Well, the location and the style of the cell tower as being a flag pole style.

MR. ARGENIO: Mark, as far as I'm concerned, that's a brand new game.

MR. EDSALL: Do you want to make a new application, new fees?

MR. ARGENIO: I don't think they've gone very far at all, they can amend it.

MR. EDSALL: We can work off the same file.

MR. ARGENIO: Absolutely, I don't think that would be

fair and equitable to swing that proverbial hatchet.

MR. CORDISCO: It will keep the record clear.

MR. ARGENIO: We should do that, I think.

MR. EDSALL: Second issue being the third party RF analysis that we were mandating as a result of the board's concern as to whether or not the location was really needed because of its impacts, you said we really want to make sure this is needed, its heightened impact visually, clearly, this one if the board is leaning towards saying this one is a lot more palatable those visual impacts may not rise to the level that you're concerned about having all the analysis done, I would suggest that if in an effort of working with the applicant as he's clearly working with us indicate that we'll review this as we do all cell tower site plans from here forward and possibly determine that that additional third party review would not be needed given the--

MR. ARGENIO: Are you charging by the word tonight?

MR. EDSALL: Yes, I get paid the same if I talk like an attorney or if I speak as your engineer.

MR. ARGENIO: Counselor, yes, we're all in agreement with that.

MR. EDSALL: Just merely attempting to make our next step clear.

MR. ARGENIO: Thank you for coming in, sir.

MR. GALLAGHER: This is a T-Mobile, will Verizon, AT&T, Sprint be able to tap into this pole? We've had other companies come forward, they want to add antennas, is this something that we're going to put an antenna on the outside of the pole later on?

MR. WARDEN: We're just here just to discuss the visuals but when I bring my engineer for testimony what he will tell you is that future co-locating carriers can go inside and below so you're not going to have a flag pole with antennas sticking out.

MR. ARGENIO: That's why I asked you the question I asked you earlier with no ambiguity.

MR. WARDEN: Right.

MR. ARGENIO: That's what I want to see is a pole inside.

MR. SCHEIBLE: Just curious, we see it's 120 feet high, approximately what's the diameter?

MR. WARDEN: Again, I don't, that's sort of a, for my engineer.

MR. ARGENIO: Henry, I think we'll see that in the site plan.

MR. SCHEIBLE: Just curious.

MR. ARGENIO: And the engineer will have to identify the fall zone and et cetera all that stuff associated with a tower but don't perceive that or interpret that as me minimizing that, all the questions I think are very good questions. The only reason I didn't see the need to go there tonight because we're going to see the plan again and I think a lot of this stuff will be answered.

MR. SCHEIBLE: I like the theory, don't get me wrong.

MR. ARGENIO: Thank you, I do too.

MR. WARDEN: Thank you all very much for your time this

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evening.

EUGENE_&_JANN_HECHT_(10-03)

MR. ARGENIO: The application proposes a 40 x 60 foot storage building on the existing site. The plan was previously reviewed at the 24 February, 2010 planning board meeting. And do you know what, you're in luck tonight. You know why? Cause she got the note from the County today and I made sure to call her to ask her if she got the note because if she didn't have it your appearance here tonight would have been worthless.

MR. HECHT: Listen to Mark.

MR. EDSALL: I'm not allowed to say anymore tonight.

MR. ARGENIO: Mr. Hecht, has there been any changes here?

MR. HECHT: None whatsoever.

MR. ARGENIO: Same package we had before, the only outstanding item is the response from Orange County Planning for the GML 239 referral and completion of SEQRA. Mark, have we performed the appropriate steps leading up to SEQRA, lead agency, et cetera?

MR. EDSALL: I believe that at this point all you have done is waive the public hearing so I think you need to actually if I recall correctly you couldn't take lead agency without the county having responded or taken action on it.

MR. CORDISCO: Not quite, you shouldn't have taken or excuse me, you shouldn't adopt a negative dec without the county responding. Now that they have, the board can declare its intent to be lead agency. We're not circulating because there's no other involved agencies and the board can consider the negative declaration which we have prepared for you tonight.

MR. ARGENIO: Lead agency then negative dec, if anybody sees fit I'll accept a motion to declare ourselves lead agency.

MR. GALLAGHER: So moved.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Roll call.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I'll accept a motion that we declare negative dec under the SEQRA process.

MR. SCHEIBLE: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Roll call.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Guys, take a look at it, we've heard from the firemen and they say okay, approved on 3/4, sent out on 3/1. County says local determination, no issue there. Final plan, this is for your benefit, final plan submitted for approval should include the following corrections, the New Windsor Planning Board project number referenced above on Mark's comments,

take a copy of them, should be placed immediately above the approval box, the bulk table should be corrected, the development coverage, the required development coverage is 85 percent or cannot exceed 85 percent of the parking lots. Okay, Mark, yes, storage building?

MR. EDSALL: It's a very minor amendment.

MR. ARGENIO: I agree.

MR. SCHEIBLE: I drove in and out of there and there's plenty of space for what's ready to go in there as far as I'm concerned.

MR. ARGENIO: You mean you endeavored onto private property without okay from the applicant?

MR. HECHT: Anyone is welcome.

MR. ARGENIO: That's a violation, isn't it, Mark?

MR. CORDISCO: No comment.

MR. ARGENIO: I went in too. You have a little shed back there, I guess you're going to move that?

MR. HECHT: That's coming out now.

MR. ARGENIO: Does anybody have anything?

MR. GALLAGHER: I'd like to make a motion subject to.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Motion has been made and seconded subject to Mark's comment number 2 we offer final approval to the Econo Towing/Hecht site plan on Route 32. Roll call.

ROLL CALL

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MR. SCHEIBLE	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Get with Nicole, make sure you get your plans brought in once you make those couple minor corrections, we'll get them filed, stamped. That's it for that, okay?

MR. HECHT: Thank you.

BAXTER_FARM_&_PINE_VIEW_FARM_(10-04)

Mr. William Steidle appeared before the board for this proposal.

MR. ARGENIO: Next is Baxter Farm lot line change. This application proposes the conveyance of approximately 5.16 acres from Baxter to Steidle. The application appears to be a very simple lot line change. Bill, I don't have to tell you, you know the routine, show us what you're doing here. You've probably been to more planning board meetings than me.

MR. STEIDLE: Okay, good evening, just for the record, my name is Bill Steidle, I reside at 575 Jackson Avenue and where I own a choose and cut Christmas tree farm. And I have the opportunity to add to the farm and my purpose tonight is to seek the board's approval of a lot line change for that addition. Just by way of a little bit of background about the farm first of all was purchased in 1908 from my grandparents, it consists of three parcels, this parcel down the middle is the former Ontario and Western Railroad which we purchased about 1965, the historical farm that my grandparents purchased consisting of a parcel to the east of the railroad as well as a larger parcel to the west. The lot line change involves the westerly parcel. In 1985--

MR. ARGENIO: Bill, if I could, so it's this lot, it's this lot and then you have a third lot here, is that correct?

MR. STEIDLE: That's the existing farm are these three parcels.

MR. ARGENIO: I see a separate lot line, a lot number, that's why I asked the question.

MR. STEIDLE: Right, these are, each of these have

separate tax parcels.

MR. ARGENIO: Okay.

MR. STEIDLE: Because the railroad separated the parcels and I'll talk about lot consolidation in a moment because that's something that Mark had suggested that I look into. But let me just go back to the farm. I started growing Christmas trees in 1985. Currently I have about 10,000 trees in seven fields, three of the fields I currently lease from Harold Baxter, my next door neighbor who's a dairy farmer. Those fields are shown on the air photo that I included with the application. For many years I had hoped to purchase this one or all those fields and I recently had the opportunity to purchase one of them through discussions with Harold Baxter. And I'm very excited about it, definitely want to proceed and purchase the parcel. I will mention one other thing before I discuss this parcel a little bit, the entire farm is protected by a conservation easement with the Orange County Land Trust and that easement prohibits any and all future development on the farm so there will never be any residential or commercial or industrial development on the farm.

MR. ARGENIO: You're in an AG District, yes?

MR. STEIDLE: I'm also in an AG District and have been since the creation of the agricultural district into law.

MR. SCHEIBLE: The additional piece will also be in the trust?

MR. STEIDLE: Yes, that's why if you look at the map it's got a, its title is Orange County Land Trust, they are in fact funding the, they did fund the survey for this and they, this parcel, the new parcel will also be covered by the easement, the entire farm will be covered. The parcel that involves the lot line change

is a rectangular piece, it consists of 5.16 acres fits right into the, really into my overall parcel.

MR. ARGENIO: Almost like it should have been there from the beginning.

MR. STEIDLE: Right, right, but it never was but I agree with you. It includes about 1.5 acres of Christmas trees in the southerly corner, southerly quarter of the site, the remaining 3.7 acres or so consists of wetlands and flood plain, it actually has a major creek that runs through the property, the creek is the main tributary to Beaver Dam Lake, it's, if you like wetlands, it's a nice piece of wetland and a nice flood plain, nice meandering creek through the site. From my perspective, the parcel has great importance both because it contains Christmas trees for my operation and in fact this was one of the key parcels I started planting Christmas trees in this field in 1985, contains about somewhere around 1,000 or 1,500 trees but it's a nice scenic field, it overlooks the wetlands, definitely has important conservation values both for flood storage and wetland.

MR. ARGENIO: Bill, is there any property out that way right near there that I might want to buy for a sand and gravel mine or something like that?

MR. STEIDLE: No, you have to talk to Harold. Probably is gravel on some of the hills there.

MR. SCHEIBLE: What's that presently? That's right, you have the tree farm there.

MR. STEIDLE: There actually will be no, there will be no change in use and there will be no construction now or in the future, it will remain as open space.

MR. ARGENIO: Can I just interrupt you, Bill? Dominic or Mark, briefly, briefly please explain to me cause I

don't have a complete understanding of it, I understand the concept of what it means when Bill says my parcel's in the Orange County Land Trust.

MR. CORDISCO: Bill owns the parcel, he has the title to the parcel but there's a conservation easement which is effectively a deed restriction but more onerous than an actual deed restriction because what happens is the Orange County Land Trust as a separate entity holds that conservation easement and has the ability to enforce its terms and here the terms are as Bill said that the land is to remain undeveloped.

MR. ARGENIO: Is that in perpetuity?

MR. CORDISCO: Forever.

MR. ARGENIO: How can they do that? Even if somebody else buys it?

MR. CORDISCO: That's correct and it affects its future worth but it also ensures that it's going to be protected and will remain in agricultural or undeveloped use and that was of course Bill's decision and that's what he stands by so--

MR. ARGENIO: Make no mistake, I'm not weighing in on it, just trying to understand it. So, when you die, let's assume you die, does the county get the land or your estate will sell the land and there's certain things that can't be done with it in the future?

MR. STEIDLE: Yeah, you know, when I die, the parcel will be left to somebody, that entity is bound by the provisions of the easement, if it's sold, if you decide you want to buy the farm, that easement would be, you would be bound by that easement.

MR. ARGENIO: Certainly anybody buying it it would be disclosed, they'd know what they're buying.

MR. SCHEIBLE: That's the same thing happening in Warwick, is that right?

MR. STEIDLE: Some of those parcels, some of the agricultural parcels are similar.

MR. SCHEIBLE: Under the same rules and regulations that this would fall under.

MR. STEIDLE: You know, going back to what Dominic said the Orange County Land Trust has set aside a fund to ensure the future protection of this property, they inspect the property once, at least once a year.

MR. ARGENIO: What do they inspect it for?

MR. STEIDLE: To see if there's any violations of any type.

MR. ARGENIO: Any violations of the land trust agreement.

MR. CORDISCO: Correct, correct, like all of a sudden if Bill changed his mind and decided to put up a home for his daughter.

MR. STEIDLE: Or I decide to build a road through it or something else so they check it every year. If there were violations, they can take, if they were bad enough they can take court action so my whole purpose was while I'm alive nothing's going to happen to the property, that's a given.

MR. BROWN: Could this ever be changed in the future?

MR. STEIDLE: The only way the easement could be changed would be and Dominic can go into this through a court of law and it has to be very extenuating circumstances but otherwise there can be no development

on the property. There are other things, actually mining operations are prohibited, you're out of luck, you know, it allows me certainly the use of the buildings but no future construction.

MR. SCHEIBLE: I have a question for our attorney here. What's the tax ramifications on a piece of property like that?

MR. CORDISCO: Well, there are tax reductions in a sense your real property it's already in the AG District.

MR. SCHEIBLE: Does it go even further than an AG District being that it's an Orange County Land Trust?

MR. CORDISCO: Bill can speak to this better than I can because he's seen his tax bills both before and after he created the conservation easement, I think that it's true to say that you're entitled to a reduction in your real property taxes but I don't think that I was just saying to Mark you don't get rich based on your tax reduction on that and that's not the reason for doing it.

MR. ARGENIO: Let me just qualify this whole last minute, ten minute diatribe, Bill, it has nothing to do with your application, we're curious because I think cause we have never seen anything like this, there's a, I'm just curious.

MR. STEIDLE: I don't mind talking about taxes, the tax rate has remained as it was prior to the easement through the agricultural district and there's been really no change, you know, I've met with Todd, I've given him an easement and what I indicated was if something were to happen to me and the agricultural uses were to be discontinued that the property is subject to the easement and that would be considered in the assessment so one of the benefits I would mention

for those of you who want to donate easements I do get a, the estate does have a program whereby it provides back to me 25 percent of my total tax bill up to a total of \$5,000.

MR. ARGENIO: State tax.

MR. STEIDLE: Well, it's right, it's through the state, it's a tax credit but it applies both to property and school taxes so it's, you know, if you're paying \$10,000 it's a couple grand so it's very beneficial.

MR. ARGENIO: Let me bring this around, I want to get back on point, Bill, you've given us a good or what I think is a good education and thank you for your candor, you're certainly not obligated to entertain us or engage us like that. What else do you have here from a technical point of view?

MR. STEIDLE: I just want to mention one thing. I met with Mark and he had suggested that I look into consolidation of the parcels.

MR. ARGENIO: I think that's a good idea.

MR. STEIDLE: Now I thought about it and I agree, fully agree because my whole intent is for the farm to be sold as a whole and that it remain obviously as a farm.

MR. ARGENIO: The Steidle Farm.

MR. STEIDLE: So I was proceeding to consolidate and the county basically told me two things have to be met to consolidate the parcels, actually this is through Todd, Todd told me number one, you have to have taxes up to date paid, that's not a problem but the second thing is all the parcels have to be in exactly the same ownership and therein lies the problem.

MR. ARGENIO: You have multiple ownerships here?

MR. STEIDLE: Well, no, the railroad parcel was in my name solely, the remainder of the farm is in my name and my wife's name so what I would have to do is modify the ownership of the railroad parcel to both.

MR. ARGENIO: How much of an issue is that for the town, Mark?

MR. EDSALL: It was a suggestion, it's really not an issue for us, I just thought that Bill's very admirable goal of keeping, locking up this total parcel.

MR. ARGENIO: Let's lock it up tight.

MR. EDSALL: I figured better off sustain, it would sustain itself better as one big parcel.

MR. CORDISCO: It's a suggestion, it's not required as part of this application.

MR. ARGENIO: Mark is a hundred percent right.

MR. STEIDLE: I'll talk to Dominic though, I mean, that's something that I don't want to hold it up now because I have, the purchaser wants me to purchase it but it's something that I'm going to discuss with Dominic.

MR. ARGENIO: What else do you have from a technical point of view?

MR. STEIDLE: That's basically it. If you want a little bit about history. You like history?

MR. ARGENIO: We do but there's business, let's take care of business now and I do enjoy it, that's why we discussed for the period of time that we did about this, never had a land trust deal but I heard about them in the Town of Newburgh and that's why I wanted to

know a little bit about it. I'll tell you what, go into the history thing two minutes.

MR. STEIDLE: The farm is steep in history, the house was built by the Denniston family, a major landowner in the 18th and 19th centuries. The house, if you've seen it, it's actually poured concrete, one of the few houses and earliest houses that you will see that's poured concrete was built in 1870. My grandparents added on the back about 1910.

MR. ARGENIO: Probably didn't get a building permit. Go ahead.

MR. STEIDLE: So this is actually a Denniston house, it's known historically as a tenant house, the main Denniston Farm is the Baxter Farm that house.

MR. ARGENIO: Is it still up?

MR. STEIDLE: Was built about 1830, beautiful brick building, it's got a beautiful slate roof.

MR. ARGENIO: Still standing?

MR. STEIDLE: Oh, yeah, still standing, that's Harold Baxter's home. On the north side of me is what's known as the McDowell house, it was built about 1760, it's one of the oldest houses in Orange County. So you have three houses in a row that have historical significance of great importance.

MR. ARGENIO: Not historical value back to 1910, much longer than that.

MR. STEIDLE: Mine is at least, these date back to the early 1800s and 1700s, mine is unusual in that the construction is unusual and it still retains its historical characteristics, it has not been changed at all outside and inside is very minimal, it includes all

of the existing, pre-existing molding.

MR. ARGENIO: Okay, let's get down to business, I love to hear about that stuff but everybody's got things to do here. Let me ask you guys a question, does the AG District trip anything? I believe it trips county, does it not, even in the form of a lot line change unless I'm mistaken.

MR. CORDISCO: You're correct, it does trigger the need to refer the application to the County Planning Department.

MR. STEIDLE: The only thing I will say that I'm a promoter of agricultural and agricultural protection and I don't mind that but the only thing I will say here is there's no construction and no change to agricultural.

MR. ARGENIO: Bill, I'm okay with it but it's not something we can consider waiving, it's county law. Let me ask you just one quick question, at some point in time in the future there may come a time when the town is going to endeavor to make safety improvements on Jackson Avenue as you're well aware there was a plan a few years ago to make some safety improvements, I'm not going to say what they were cause I don't know exactly what they were, I know they were safety improvements, do you see this lot line change as adversely affecting, as having an adverse affect on the town's ability to make changes on Jackson Avenue at a later date?

MR. STEIDLE: Has no affect, this parcel is far removed from Jackson Avenue so it has no affect.

MR. ARGENIO: There are no other, we have to hear from county, we can't do that. Anybody want to weigh in on the public hearing? I don't think you can get more remote than this. Guys?

MR. GALLAGHER: Motion we waive.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Motion has been made and seconded we waive public hearing on the Baxter/Steidle public hearing.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: You have a change that you need to make on the bulk table, Bill, nickel-dime changes, Bill, it's going to county, we'll send it to county, they're obliged to respond in 30 days. I promise you get your stuff in and if we hear from them we'll put you on the agenda, maybe you'll be as lucky as Mr. Hecht the day of the meeting we'll hear from county.

MR. STEIDLE: That's fine.

MR. ARGENIO: Anything else on this? Bill, thank you for sharing with us. Motion to adjourn?

MR. GALLAGHER: So moved.

MR. SCHEIBLE: Second it.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE

March 10, 2010

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MR. ARGENIO

AYE

Respectfully Submitted By:

Frances Roth
Stenographer

